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**MAILED**

**MAR 10 2011**

**OFFICE OF PETITIONS**

In re Patent No. 7,117,543 :  
Issue Date: October 10, 2006 :  
Application No. 10/686,392 :  
Filed: October 14, 2003 :  
Patentee(s): Angel Gunnarshaug :

**ON PETITION**

This is a decision on the petition under 37 CFR 1.378(c), filed on December 27, 2010, to accept the delayed payment of a maintenance fee for the above-identified patent.

The present petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Sandy Lipkin appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party on whose behalf he/she acts.

The petition is **DISMISSED**.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. § 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (3) above.

A review of the record shows that petitioner submitted a check in the amount of \$1,300 on December 22, 2010. The fee payment of \$1,300 was to be applied as follows: \$490 for payment of the 3 ½ year small entity maintenance fee and \$810 towards the unintentional late payment surcharge. However, the proper surcharge for a patent expired unintentionally after the six months grace period is \$1,640. Therefore, this patent cannot be reinstated until the deficiency of \$830 (1640-810) has been submitted<sup>1</sup>.

<sup>1</sup> It is noted that petitioner authorizes the Office "to charge any maintenance fee, surcharge or petition deficiency" to the deposit account number given in the petition filed on December 27, 2010. Unfortunately, the listed deposit account contains insufficient funds.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within **TWO (2) MONTHS** from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

**Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f).** The petition for reconsideration must include the lacking item(s) noted above, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Commissioner.

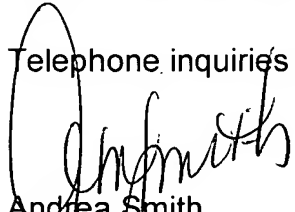
Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop PETITION  
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The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to the undersigned at (571) 272-3226.

A handwritten signature in black ink, appearing to read 'Andrea Smith', is written over the printed name and title.

Andrea Smith  
Petitions Examiner  
Office of Petitions